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OFFICE OF PETITIONS

In re Application of
Banerjee et al.
Application No. 10/623,039
Filed: July 18, 2003
Attorney Docket No. BPI-188

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 29, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed October 20, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, the above-identified application became abandoned on December 21, 2003. A Notice of Abandonment was mailed on October 22, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$2080.00 extension of time fee submitted with the petition on November 29, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

A change of correspondence address was submitted on December 3, 2004. A courtesy copy of this decision is being mailed to the address listed on the instant petition. All future correspondence will be mailed solely to the address of record.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
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for Patent Examination Policy

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